

REMARKS**I. General**

Claims 1–42 have been presented in the Application. Claims 1, 8, 14 and 23-28 are canceled, and claims 39-42 are new. After entry of the pending amendment, claims 2-7, 9-13, 15-22, 29-42 are pending. The issues in the current Office Action are as follows:

1. The Examiner has rejected claims 1 – 5, 7 – 11, 13 and 29 – 37 under 35 U.S.C. § 103(a) asserting they are unpatentable over U.S. Patent No. 5,715,164 to *Liechti* et al. (hereinafter, “*Liechti*”) in view of U.S. Patent Publication No. 2005/0192912 to *Bator* et al. (hereinafter, “*Bator*”).
2. The Examiner has rejected claim 6 under 35 U.S.C. § 103(a) asserting that it is unpatentable over *Liechti* in view of *Bator*, and further in view of U.S. Patent Publication No. 2004/0194154 to Meadors et al. (hereinafter, “Meadors”).
3. The Examiner has rejected claims 12, 15 – 22 and 38 under 35 U.S.C. § 103(a) asserting that they are unpatentable over *Liechti* in view of *Bator*, and further in view of U.S. Patent Publication No. 2004/0098354 to *Manduley* (hereinafter, “*Manduley*”).

Applicant appreciates the courtesy and professionalism extended by the Examiner thus far. Applicant hereby traverses the rejections and requests reconsideration and withdrawal in light of the amendments and remarks contained herein.

II. Examiner Interview Summary

A telephonic Examiner Interview was conducted on March 19, 2010 including Examiner Akiba K. Robinson-Boyce and Attorney L. Joni Collins (Reg. No. 59,354). During the interview, the independent claims were discussed and distinguished from *Liechti* and *Bator*. Possible claim amendments were discussed, and Examiner Robinson and Attorney Collins agreed that amending the claims to better clarify that embodiments of the invention include both meter parameters and user parameters should further distinguish the claims from the cited references which only taught the use of meter limits—not user limits. As a result, the discussed amendments are incorporated in the presently filed RCE.

Attorney Collins thanks Examiner Robinson for the time and effort expended for the telephonic interview. Moreover, Attorney Collins invites Examiner Robinson to call at any time if any questions or concerns are raised by the present RCE.

III. Claim Amendments

Claim 39 is new. Support for the claim is found in paragraphs [0007], [0009], and [0014] of the originally filed specification of the Application. As such, no new matter is added.

Claims 40 and 42 are new. Support for the claim is found in paragraphs [0007] and [0014] of the originally filed specification of the Application. As such, no new matter is added.

Claim 41 is new. Support for the claim is found in paragraphs [0007], [0009], [0010], [0011], and [0014] of the originally filed specification of the Application. As such, no new matter is added.

Claims 2-7 and 34-35 are amended herein. The claims are amended to depend from new claim 39 and ensure the claims have proper antecedent basis. Moreover, support for amended claim 4 is found in paragraph [0009] of the originally filed specification of the Application. As such, no new matter is added.

Claims 9-13 and 36-37 are amended herein. The claims are amended to depend from new claim 41 and ensure the claims have proper antecedent basis. Moreover, support for amended claim 11 is found in paragraph [0009] of the originally filed specification of the Application. As such, no new matter is added.

Claim 15 is amended herein. Support for the claim is found in paragraphs [0007] and [0014] of the originally filed specification of the Application. As such, no new matter is added.

Claims 16, 17, 22, and 38 are amended herein. The claims are amended to ensure the claims have proper antecedent basis. As such, no new matter is added.

Claim 18 is amended herein. Support for the claim is found in paragraphs [0007] and [0014] of the originally filed specification of the Application. As such, no new matter is added.

Claim 21 is amended herein. Support for the claim is found in paragraphs [0007], [0009], [0010], and [0014] of the originally filed specification of the Application. As such, no new matter is added.

Claim 29 is amended herein. Support for the claim is found in paragraphs [0007] and [0014] of the originally filed specification of the Application. As such, no new matter is added.

Claims 31-33 are amended herein. The claims are amended to ensure the claims have proper antecedent basis. As such, no new matter is added.

IV. The claims are patentable over the cited references

A. New claim 39

Claim 39 is patentable over the cited references. Claim 39 recites “A system for postage evidencing ... comprising: at least one postage usage **meter parameter** ... [and] at least one postage usage **user parameter** corresponding to a particular user of said plurality of users, wherein said user parameter limits said particular user’s ability to evidence postage using the meter” (emphasis added).

Liechti does not disclose storing a parameter for particular users of a meter, but rather stores limits for the meter itself. See, Abstract, col. 5, lines 5-10. Accordingly, the system of *Liechti* is only capable of limiting the usage of each meter in that system, and not limiting an ability of the particular user associated with a user parameter to evidence postage using the meter, as required by claim 39. Said another way, ***Liechti* imposes meter limits, not user limits**. Thus, *Liechti* fails to disclose both a meter parameter and a user parameter as required by the claim.

Barton has not been relied upon by the Office Action in teaching parameters whether they be user parameters or meter parameters. Moreover, *Barton* fails to teach the claimed at least one meter parameter and at least on user parameter. Thus, the combination of *Liechti* and *Barton* fail to teach the claim.

Meadors and *Manduley* (another relied upon references) have not been relied upon by the Office Action in teaching parameters whether they be user parameters or meter parameters. Moreover, the references fail to teach the claimed at least one meter parameter and at least on user parameter. Thus, the combination of *Liechti*, *Barton*, *Meadors*, and *Manduley* fail to teach the claim.

As such, claim 39 is patentable over the cited references. Thus, Applicant requests the claim be allowed.

B. Claim 41

Claim 41 is patentable over the cited references. Claim 41 recites “A system for controlling postage usage, said system comprising: ... at least one postage usage **user parameter** for a user of a plurality of users of the meter, wherein a particular user parameter associated with a particular user limits an ability of the particular user to evidence postage using the meter ... and at least one postage usage **meter parameter**, wherein the meter parameter establishes limits for all users of said plurality of users” (emphasis added).

Liechti does not disclose storing a parameter for a particular user of a plurality of users of a meter, but rather stores limits for the meter itself. See, Abstract, col. 5, lines 5-10. As explained above, the system of *Liechti* is only capable of limiting the usage of each meter in that system, and not limiting an ability of the particular user associated with a user parameter, as required by claim 41. Said another way, *Liechti* **imposes meter limits, not user limits**. Thus, *Liechti* fails to disclose both a meter parameter and a user parameter as required by the claim.

Barton has not been relied upon by the Office Action in teaching parameters whether they be user parameters or meter parameters. Moreover, *Barton* fails to teach the claimed at least one meter parameter and at least on user parameter. Thus, the combination of *Liechti* and *Barton* fail to teach the claim.

Meadors and *Manduley* (another relied upon references) have not been relied upon by the Office Action in teaching parameters whether they be user parameters or meter parameters. Moreover, the references fail to teach the claimed at least one meter parameter and at least on user parameter. Thus, the combination of *Liechti*, *Barton*, *Meadors*, and *Manduley* fail to teach the claim.

As such, claim 41 is patentable over the cited references. Thus, Applicant requests the claims be allowed.

C. New claims 40 and 42

Claims 40 and 42 depend from new claims 39 and 41, respectively, thereby inheriting the limitations therein. Thus, because claims 39 and 41 are patentable as described above, claims 40 and 42 are likewise patentable. Thus, Applicant requests the claims be allowed.

D. Rejected claims

Claims 1 – 5, 7 – 11, 13 and 29 – 37 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Liecht* in view of *Bator*. Claim 6 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *Liechti* in view of *Bator*, and further in view of *Meadors*. Claims 12, 15 – 22 and 38 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Liechti* in view of *Bator*, and further in view of *Manduley*.

The Examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. M.P.E.P. § 2142; *In re Peehs*, 612 F.2d 1287, 204 USPQ 835, 837 (CCPA 1980). In an obviousness rejection, “[u]nder § 103, the scope and content of the prior art are to be determined; differences between the prior art and the claims at issue are to be ascertained; and the level of ordinary skill in the pertinent art resolved.” *Graham v. John Deere Co.*, 383 U.S. 1, 15 - 17 (1966). The Applicant discusses below why the rejected claims are patentable over the relied upon references.

1. Claims 2-7 and claims 34-35

Claims 2-7 and 34-35 each depend from independent claim 39. If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).” MPEP 2143.03. As shown above, independent claim 39 is nonobvious in light of all the references. Accordingly, at least because claim 39 is nonobvious, dependent claims 2-7 and 34-35 are likewise nonobvious. Accordingly, Applicant requests the rejections of record be withdrawn and the claims be allowed. Moreover, the claims include limitations, which further set the claims apart from the cited references as shown by way of example below.

Claim 2 requires “The postage evidencing meter of claim 39 wherein the user parameter comprises: a maximum postage amount that the particular user of said plurality of users is allowed to use on the meter to evidence postage.” The Office Action relies on col. 5, lns. 5-9 of *Liechti* as teaching the limitation. Office Action at 4. However, the postage amount limit taught by *Liechti* is a meter limit, not a user limit. Accordingly, the cited portion of *Liechti* fails to make the claim obvious. Moreover, *Barton* fails to cure the deficiency; thus, Applicant requests the rejection be withdrawn and the claim be allowed.

Claim 3 requires “The postage evidencing meter of claim 39 wherein the user parameter comprises: a period of time during which the particular user of said plurality of users is allowed to use the meter to evidence postage.” The Office Action relies on col. 5, lns. 5-9 of *Liechti* as teaching the limitation. Office Action at 5. However, the time limit taught by *Liechti* is a meter limit, not a user limit. Thus, the cited portion of *Liechti* fails to make the claim obvious. Moreover, *Barton* fails to cure the deficiency; thus, Applicant requests the rejection be withdrawn and the claim be allowed.

Claim 4 requires a first user parameter and a second user parameter. However, as explained above, the combination of *Liechti* and *Barton* teaches no user parameters; thus, the combination fails to teach a first and a second user parameter. As such, Applicant requests the rejection of record be withdrawn and the claim be allowed.

2. Claims 9-13 and 36-37

Claims 9-13 and 36-37 each depend from independent claim 41. If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).” MPEP 2143.03. As shown above, independent claim 41 is nonobvious in light of all the references. Thus, at least because claim 41 is nonobvious, dependent claims 9-13 and 36-37 are likewise nonobvious. Accordingly, Applicant requests the rejections of record be withdrawn and the claims be allowed. Moreover, the claims include limitations, which further set the claims apart from the cited references as shown by way of example below.

Claim 9 recites “wherein the at least one user parameter comprises: a maximum postage amount that the particular user of said plurality of users is allowed to use on the meter to evidence postage.” The Office Action relies on col. 5, lns. 5-9 of *Liechti* as teaching the limitation. Office Action at 8. However, the postage amount limit taught by *Liechti* is a **meter limit, not a user limit**. Accordingly, the cited portion of *Liechti* fails to make the claim obvious. Moreover, *Barton* fails to cure the deficiency; thus, Applicant requests the rejection be withdrawn and the claim be allowed.

Claim 10 requires “wherein the at least one user parameter comprises: a period of time during which the particular user of said plurality of users is allowed to use the meter to evidence postage.” The Office Action relies on col. 5, lns. 5-9 of *Liechti* as teaching the limitation. Office Action at 8. However, the time limit taught by *Liechti* is a **meter limit, not a user limit**. Accordingly, the cited portion of *Liechti* fails to make the claim obvious. Moreover, *Barton* fails to cure the deficiency; thus, Applicant requests the rejection be withdrawn and the claim be allowed.

Claim 11 requires a first user parameter and a second user parameter. However, as explained above, the combination of *Liechti* and *Barton* teaches no user parameters; thus, the combination fails to teach a first and a second user parameter. As such, Applicant requests the rejection of record be withdrawn and the claim be allowed.

3. Claims 15 – 22 and 38

Independent claim 15 recites “at least two postage evidencing meters ... wherein each of said at least two meters store at least one postage usage **meter parameter** that defines meter usage limits for the respective meter storing the meter parameter, and wherein at least one postage evidencing meter of said at least two postage evidencing meters stores at least one postage usage **user parameter** for each user of a plurality of users, wherein each of said user parameters defines meter usage limits for a particular user associated with the user parameter” (emphasis added). The Office Action relies on portions of *Liechti* as teaching the claimed user parameter. Office Action at 14-15. However, as explained above, *Liechti* teaches **meter limits, not user limits**. Thus, *Liechti* does not teach or make obvious the claimed meter parameters and user parameters.

Moreover, claim 15 requires “at least two postage evidencing meters ... wherein at least one **user parameter** for at least one said particular user of said plurality of users is exchanged between said meters via the communication link” The Office Action relies on *Lietchi* as teaching the user parameter exchange. Office Action at 15. However, *Lietchi* does not teach that a user parameter for a particular user is exchanged between at least two postage evidencing meters. In contrast, *Lietchi* teaches a data center changing a meter’s **meter limits**, and does not teach exchanging **user parameters**. Col. 5, Ins. 5-9. As such, *Lietchi* fails to teach the limitation.

Further, *Manduley* does not cure the deficiency. The Office Action relies on *Manduley* as teaching the exchange of information between meters. Office Action at 17. But again, *Manduley* teaches transferring meter limits, not user limits. As such, *Manduley* does not cure the deficiency.

As can be seen, the limitations of the claim are not made obvious by *Lietchi* or *Manduley*. Further, the additionally cited references do not cure the deficiencies. As such, Applicant requests the rejection of record be withdrawn and claim 15 be allowed.

Dependent claims 16-22 and 38 each depend from independent claim 15. If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).” MPEP 2143.03. As shown above, independent claim 15 is nonobvious in light of all the references. Thus, at least because claim 15 is nonobvious, dependent claims 16-22 and 38 are likewise nonobvious. Accordingly, Applicant requests the rejections of record be withdrawn and the claims be allowed. Moreover, the claims include limitations, which further set the claims apart from the cited references as shown by way of example below.

Claim 16 requires “wherein the at least one user parameter comprises: a maximum postage amount that the selected user is allowed to use on the meter to evidence postage.” The Office Action relies on col. 5, lns. 5-9 of *Liechti* as teaching the limitation. Office Action at 17. However, the postage amount limit taught by *Liechti* is a meter limit, not a user limit. As such, the cited portion of *Liechti* fails to make the claim obvious. Moreover, *Barton* and *Manduley* fail to cure the deficiency; thus, Applicant requests the rejection be withdrawn and the claim be allowed.

Claim 17 requires “wherein the at least one user parameter comprises: a maximum amount of postage that can be evidenced by the selected user during a selected period of time.” The Office Action relies on col. 5, lns. 5-9 of *Liechti* as teaching the limitation. Office Action at 17. However, the time limit taught by *Liechti* is a meter limit, not a user limit. As such, the cited portion of *Liechti* fails to make the claim obvious. Moreover, *Barton* and *Manduley* fail to cure the deficiency; thus, Applicant requests the rejection be withdrawn and the claim be allowed.

Claim 18 requires a first user parameter and a second user parameter. However, as explained above, the combination of *Liechti* and *Barton* teaches no user parameters; thus, the combination fails to teach a first and a second user parameter. Moreover, *Manduley* fails to cure the deficiency, and Applicant requests the rejection be withdrawn and the claim be allowed.

4. Claims 29 -33

Independent claim 29 requires “storing at least one postage usage **user parameter** for each user of a plurality of users of a postage meter in a postage usage database, wherein said user parameters establish separate postage evidencing limits for each user of said plurality of users [and] storing at least one postage usage **meter parameter**, wherein said meter parameter establishes postage evidencing limits for all users of said postage meter” (emphasis added). The Office Action relies on portions of *Liechti* as teaching the claimed user parameter. Office Action at 9. However, as explained above, *Liechti* teaches meter limits, not user limits. Thus, *Liechti* does not teach or make obvious the claimed meter parameters and user parameters.

Claim 29 also recites “(a) determining, based on the requesting user’s user parameter, if sufficient postage is available to fulfill the request for the requesting user [and] (b) determining, based on at least one of said postage meter’s meter parameters, if sufficient postage is available from an available postage balance of said postage meter used for evidencing postage to fulfill the request for the requesting user” The Office Action relies on *Lietchi* as teaching the limitations. Office Action at 9-10. However, *Lietchi* does not teach the required user parameters, as explained above, and therefore, can not perform the required determining step which is “based on the requesting user’s user parameter” As such, *Lietchi* does not make the limitation obvious.

Moreover, the cited portions of the additionally cited references fail to cure the deficiencies. As such, the cited references fail to make the claim obvious. Applicant requests the rejection of claim 29 be withdrawn and the claim be allowed.

Dependent claims 30-33 each depend from independent claim 29. If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).” MPEP 2143.03. As shown above, independent claim 29 is nonobvious in light of the cited references. Thus, at least because claim 29 is nonobvious, dependent claims 30-33 are likewise nonobvious. Accordingly, Applicant requests the rejections of record be withdrawn and the claims be allowed.

V. Conclusion

In view of the above, Applicant believes the pending Application is in condition for allowance. Applicant believes a fee of \$405.00 is due for filing the RCE with this response. Please charge any additional fees required or credit any overpayment during the pendency of this Application pursuant to 37 CFR 1.16 through 1.21 inclusive, and any other sections in

Title 37 of the Code of Federal Regulations that may regulate fees to Deposit Account No. 06-2380, under Order No. 61135/P0023US/10303235 from which the undersigned is authorized to draw.

Dated: April 12, 2010

Respectfully submitted,

By R. Ross Viguet

R. Ross Viguet
Registration No.: 42,203
FULBRIGHT & JAWORSKI L.L.P.
2200 Ross Avenue, Suite 2800
Dallas, Texas 75201-2784
(214) 855-8185
(214) 855-8200 (Fax)
Attorney for Applicant

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4).

Dated: April 12, 2010

Signature: Lisa de Cordova
(Lisa deCordova)